REMARKS

Claim Cancellations

Applicants presently cancel system claims 8-14 and computer program product claims 15-20, leaving only method claims in the present application. In amending the claims in the present application, Applicants do not concede that the claims as originally filed were not in a condition for allowance nor do these cancellations represent a disclaimer of the recited subject matter. Rather, Applicants will pursue these cancelled system and product claims in one or more continuation applications. Applicants believe themselves entitled to pursue these claims in additional applications because the system and product claims are directed to an invention in a different statutory category than are the method claims that remain in this application. Applicants believe they are entitled to have claims directed to inventions in separate statutory categories issued in separate patents.

Claim Rejections – 35 U.S.C. § 101

Claims 8-14 stand rejected under 35 U.S.C. § 101 because "the claimed invention is directed to non-statutory subject matter." Although Applicants do not concede that claims 8-14 do not recite patentable subject matter under 35 U.S.C. §101, claims 8-14 are presently cancelled in this Response. Applicants respectfully request therefore that the rejections of now-cancelled claims 8-14 under 35 U.S.C. § 101 be withdrawn.

Claim Rejections – 35 U.S.C. § 112

Claim 8 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Although Applicants do not concede that claim 8 is indefinite under 35 U.S.C. § 112, second paragraph, claim 8 is presently cancelled in this Response. Applicants respectfully request therefore that the rejection of now-cancelled claim 8 under 35 U.S.C. § 112 be withdrawn.

Claim Rejections – 35 U.S.C. § 102 Over Davis

Applicants' original claims 1-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Davis, *et al.* (U.S. Patent No. 6,763,386) (hereafter 'Davis'). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Claims 8-20 are presently cancelled, leaving only claims 1-7 for prosecution in this case. To anticipate claims 1-7 under 35 U.S.C. § 102(e), Davis must disclose each and every element and limitation recited in the claims of the present application.

Independent claim 1 of the present application recites:

> 1. A method for distributing images in a data processing system, the method comprising:
>
> receiving a request for a dynamic server page having a multiplicity of associated images, each image having a storage location identified in the dynamic server page by an image resource locator;
>
> inserting in the dynamic server page an image group identifier for the images; and
>
> inserting in the dynamic server page client data names for the images.

As explained in more detail below, Davis does not disclose each and every element of claim 1, and Davis therefore cannot be said to anticipate the claim 1-7 of the present application within the meaning of 35 U.S.C. § 102(e). Claims 1-7 are therefore patentable and should be allowed.

Davis Does Not Disclose Inserting In The Dynamic Server Page An Image Group Identifier For The Images

The Office Action takes the position that Davis at column 11, line 44 – column 12, line 15, and column 15, lines 15-50, discloses the second element of claim 1: inserting in the dynamic server page an image group identifier for the images. Applicants respectfully note in response, however, that what Davis at column 11, line 44 – column 12, line 15, in fact discloses is:

> A more particular embodiment of this aspect of the invention is illustrated in FIG. 4. A Web page (or HTML document) is requested by the client from a first server A, using TCP/IP and HTTP protocols (S401). This HTML document contains text, as well as embedded URLs that point to graphical images (e.g. GIF format image files) also located on the first server A. The images, in general, may be located on any HTTP server on the Internet. These images are embedded inside the Web page using the known HTML <IMG> tag, which allows one to specify the source URL for an image, as well as additional information such as size and other layout parameters. These images will then be fetched by the client using TCP/IP and HTTP protocols from Server A (S402) and rendered on the browser (S405). The Web page (or other Web or HTML document) additionally includes embedded URLs which point to two resources that reside on a second server "B". One of the resources is an executable program, which executes on Server B, and is a CGI script. This resource is also embedded inside the Web page using the <IMG> tag. Thus, in attempting to render the Web page, the client will automatically fetch this resource (S403), which forces execution of the CGI script on the second Server B and the return of information output from the script to the client. In this case, the information returned to the client is formatted as an GIF image type which is extremely small as well as completely transparent (S403B). When the CGI script executes, it may collect information from the HTTP request header such as browser type, network ID (IP address), and if set, client ID ("cookie"), as well as any additional available information such as time of execution and the URL of the Web page, and store it in a database-for example using SQL (S403A, S404). In step S403B, the CGI script returns information to the client, which includes a response header which indicates (among other information), that the return type is an image, that this resource should not be cached by the client, and if no client ID is set and the client supports it, that a client ID is to be set to a value generated by the script.

And what Davis at column 15, lines 15-50, in fact discloses is:

> A particular implementation of this mechanism is illustrated in FIG. 6. A Web page is requested by the client from Server A (S601). This Web page contains text, as well as embedded images which must be fetched from Server A (S602) and rendered (S605). In addition, the Web page contains embedded URLs that point to two resources on Server B. The first resource is a first CGI script 1, which is embedded inside the Web page using the standard HTML <IMG> tag (S603). In attempting to render the Web page, the client will automatically fetch the resource associated with the <IMG> tag on Server B, which will result in execution of the CGI script 1. This CGI script 1 can capture client information such as Network ID or Client ID (S603A). The CGI script also returns a transparent image (S603B).
>
> The other resource on Server B is a Java applet, which is a combination ad banner and tracking program. This may be stored on any server. In attempting to render the Web page, the client will automatically fetch the Java code (S604), download, initialize, and start operation of the applet (S607, S608). After the applet is initialized, it contacts Server B to obtain other resources it needs in order to display images, play sounds, or control its overall look and behavior. In fact, the applet may obtain these resources by executing one or more CGI scripts or other processes that reside on Server B or elsewhere (S607). Based on information provided to these scripts through standard HTTP methods, including client information (S607A), such as network and client IDs, any other information such as the URL of the Web page, as well as information captured by the CGI script 1, and the previously constructed historical database profile (S607B), different information (images, sounds, text, etc.) may be returned to the applet. Such information can therefore be selected by the scripts based on Network and/or Client ID, the URL of the Web page, and the previously constructed client profile. This may be accomplished in the manner described above.

That is, Davis at column 11, line 44 – column 12, line 15, and column 15, lines 15-50, discloses collecting client information during the rendering of a web page through the use of scripts identified by URLs included in a standard HTML <IMG> tag. Davis's collecting client information during the rendering of a web page does not disclose inserting in the dynamic server page an image group identifier for the images as claimed in the present application. Davis's web page only includes several standard HTML <IMG> tags that include a URL identifying a location on a server of either an image or a CGI script. Davis's web page, however, does not include anything even remotely resembling an 'image group identifier' as claimed in the present application. In fact, Davis does not disclose or even mention, at these or any other reference points in Davis, an 'image group identifier.' Because Davis does not disclose an 'image group identifier' as claimed in the present application, Davis cannot disclose inserting in the dynamic server page such an image group identifier for the images as claimed in the present application.

In addition to the fact that Davis does not disclose an image group identifier as claimed in the present application, there is another reason that Davis does not disclose inserting in the dynamic server page such an image group identifier for the images as claimed in the present application: Davis's web page is a static, pre-configured HTML document. Because Davis's web page is a static, pre-configured HTML document, Davis's web page cannot disclose a dynamic server page as claimed in the present application.

There is yet another reason that Davis does not disclose inserting in the dynamic server page an image group identifier for the images as claimed in the present application. Davis is only concerned with rendering a web page and collecting client information. Davis is not, however, concerned at all with inserting anything into a dynamic server page as claimed in the present application. That is, neither Davis's process of 'rendering' nor Davis's process of 'collecting' discloses a process of 'inserting' as claimed in the present application. Consider, as further evidence of the fact that Davis does not disclose any process of 'inserting,' that the none of words "insert," "inserting," or "inserted" appear at any reference point in Davis – not even once.

Because Davis does not disclose an image group identifier, a dynamic server page, or any process of inserting as claimed in the present application, Davis cannot disclose inserting in the dynamic server page an image group identifier for the images as claimed in the present application. Because Davis does not disclose each and every element and limitation of Applicants' claims, Davis does not anticipate Applicants' claims, and the rejections under 35 U.S.C. § 102(e) should be withdrawn.

Davis Does Not Disclose Inserting In The Dynamic Server Page Client Data Names For The Images

The Office Action takes the position that Davis at column 11, line 44 – column 12, line 15, and column 15, lines 15-50, quoted above, discloses the third element of claim 1: inserting in the dynamic server page client data names for the images. Applicants respectfully note in response, however, that what Davis at column 11, line 44 – column 12, line 15, in fact discloses is collecting client information during the rendering of a web page through the use of scripts identified by URLs included in a standard HTML <IMG> tag. Davis's collecting client information during the rendering of a web page does not disclose inserting in the dynamic server page client data names for the images as claimed in the present application. Davis is generally concerned with tracking client interaction with a network resource downloaded from a server. As such, Davis's web page, described in the quoted references above, includes several standard HTML <IMG> tags, some of which include a URL that points to a location on a server for an image and others which include a URL that points to a location on a server for a CGI script. When Davis's CGI scrip is run, client information is collected. None of Davis's images, indeed not even Davis's CGI scripts, are located client-side but instead are located on a server. 'Client data names' defined in Applicants' original specification at page 10-12, in contrast, identify client-side storage locations for the images of the dynamic server page. Without disclosing such 'client data names' as claimed in the present application, Davis does not disclose each and every element and limitation of the claims of the present application. Because Davis does not disclose each and every element and limitation of Applicants' claims, Davis does not anticipate Applicants' claims, and the rejections under 35 U.S.C. § 102(e) should be withdrawn.

Relations Among Claims

Claims 2-7 depend from independent claim 1. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because Davis does not disclose each and every element of independent claim 1, Davis does not disclose each and every element of the dependent claims of the present application. As such, claims 2-7 are also patentable and should be allowed.

Conclusion

Applicants' original claims 1-20 stand rejected under 35 U.S.C. § 102 as being anticipated by Davis. Claims 8-20 are presently cancelled. Claims 1-7 remain in the case. Davis does not disclose each and every element of Applicants' claims 1-7. Davis therefore does not anticipate Applicants' claims 1-7. Claims 1-7 are therefore patentable and should be allowed. Applicants respectfully request reconsideration of claims 1-7.

Applicants' original claims 8-14 stand rejected under 35 U.S.C. § 101 because "the claimed invention is directed to non-statutory subject matter." Claims 8-14 are presently cancelled in this Response. Applicants respectfully request that the rejections of claims 8-14 under 35 U.S.C. § 101 be withdrawn.

Applicants' original claim 8 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 8 is presently cancelled in this Response. Applicants respectfully request that the rejection of claim 8 under 35 U.S.C. § 112 be withdrawn.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Respectfully submitted,

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